

KOLZ 98.3 FM STEREO  
Bentonville, AR

KKEG 92.1 FM STEREO  
Fayetteville, AR

*Demaree Media, Inc.* MAIL SECTION

JUN 16 7 30 AM '92

ORIGINAL  
FILE

TARGET VISION OF NW ARK  
CBN TNN MTV ESPN CNN

KFAY 1030 AM STEREO  
Farmington, AR

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JUN 16 1992

June 9, 1992

Ms. Donna Searcy  
Secretary  
Federal Communications Commission  
1919 M Street N.W.  
Room 222  
Washington, DC 20554

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

RE: Proposed Rulemaking Petition To Upgrade KOLZ (FM) 252 C3 Bentonville,  
Arkansas To a 252 C2.

Dear Ms. Searcy;

Transmitted herewith is an original and 4 copies of Demaree Media, Inc.'s  
Petition for Rulemaking to Upgrade KOLZ (FM) Bentonville, Arkansas a 252 C3  
to a 252 C2.

I have enclosed a self addressed stamped envelope for your convenience in  
returning the extra copy of this letter, dated and stamped by your office.

This will certify that neither the applicant nor any party thereto are  
subject to denial of Federal benefits pursuant to section 5301 of the Anti-  
Drug Abuse Act of 1988.

If you have any questions concerning these comments please do not hesitate  
to contact me at P.O. Box 878, Fayetteville, Arkansas 72702, or telephone  
(501) 521-5566.

Sincerely,



Levoy Patrick Demaree  
President  
Demaree Media, Inc.  
Licensee of KOLZ (FM) Bentonville, AR

ch/LPD

No. of Copies rec'd  
List A B C D E

0 + 4

P.O. Box 878  
1780 Holly Street

Fayetteville, AR 72702

(501) 521-5566  
FAX (501) 521-0751

RECEIVED

JUN 16 1992

FCC MAIL SECTION

Before the  
JUN 16 7 30 AM '92

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

FEDERAL COMMUNICATIONS COMMISSION

Washington, DC 20554

In the Matter of )  
 )  
Amendment of Section 73.202(b) ) MM Docket No.  
Table of Allotments ) RM-  
FM Broadcast Stations )  
(Bentonville, and Mountain )  
Home, Arkansas) )

To: Chief, Allocations Branch  
Policy and Rules Division  
Mass Media Bureau

PETITION FOR RULE MAKING

Demaree Media, Inc. ("Demaree"), licensee of Station KOLZ(FM), Bentonville, Arkansas hereby respectfully requests that the Commission amend Rule 73.202(b), the FM Table of Allotments, to substitute Channel 252C2 for Channel 252C3 at Bentonville, Arkansas. Demaree further requests that its license for KOLZ(FM) be modified to specify operation as a C2 facility on Channel 252. KOLZ(FM) present operates as a Class A facility on Channel 252A, but was ordered to Channel 252C3 as part of the Report and Order issued in MM Docket No. 91-124.

In support of this allocation request, the following information is respectfully submitted:

1. As is demonstrated in the attached Exhibit 1, Channel 252C2 may be allotted to Bentonville, Arkansas with a site restriction of 28.0 kilometers southeast of the community of

license if a channel substitution is made at Mountain Home, Arkansas.

2. In support of the proposed substitution at Mountain Home, Arkansas, Demaree notes that the Commission has on numerous occasions stated that the "substitution of an existing station's channel at one community serves the public interest where the substitution permits the provision of new or expanded service at another community." Eddyville and Fort Madison, Iowa, 4 FCC Rcd 7774 (1989); see also Marietta, Ohio and Ravenswood, WV, 2 FCC Rcd 4681 (1987) and Albany, NY, et al., 2 FCC Rcd 4300 (1987), 3 FCC Rcd 4681 (1987).

3. To accommodate the proposed upgrade at Bentonville, Channel 232A would have to be substituted for Channel 252A at Mountain Home and the license of Station KTLO-FM modified accordingly. Channel 252A at Mountain Home is currently held by licensee Mountain Home Broadcasting, Corp. ("MHBC") which operates KTLO-FM on that channel. Exhibit 2 demonstrates that Channel 232A may be substituted for Channel 252A at the present KTLO-FM transmitter location in full compliance with the Commission's minimum spacing requirements. Furthermore, should the Commission grant Demaree's proposal, Demaree agrees to reimburse MHBC for its reasonable expenses incurred in changing to Channel 232A. Therefore, the Commission should issue an Order to Show Cause to MHBC to show why its license should not be modified as proposed herein.

4. If the above mentioned substitution is made at Mountain

Home, the permissible site area for a station operating on Channel 252C2 at Bentonville is ample. A large portion of that area is close enough that a station operating on Channel 252C2 should have no difficulty placing a 70 dBu contour over the entire community of license. From the coordinates given in Exhibit 1, line of sight coverage would be provided over the entire community of Bentonville.

5. The allotment of Channel 252C2 to Bentonville and modification of Demaree's license to specify operation thereon will permit Demaree to serve a much larger area, thereby increasing the number of broadcast signals available to the public in the given area and thus promoting efficient use of the spectrum. The Commission has determined that expanded service to the public and spectrum efficiency provide significant public interest benefits. See Report and Order in MM Docket No. 85-313, 60 RR 114, 118 (1986). Thus, Demaree's proposal would serve the public interest.

6. Because Channel 252C2 would not be available to a third party for use at Bentonville, Demaree's license may be modified to specify operation on the higher class channel pursuant to Rule 1.420(g). Upon grant of this request, Demaree will proceed promptly with construction of the upgrade.

7. Based upon the foregoing, Demaree hereby requests that the Commission: (i) modify its FM allotments to substitute Channel 252C2 for Channel 252C3 at Bentonville, Arkansas and modify the license for KOLZ(FM) accordingly; and (ii) substitute

BENTONVILLE, ARKANSAS

REFERENCE  
 36 11 0 N  
 94 0 0 W

CLASS C2

DISPLAY  
 SEARCH DATE  
 04-02-92

----- CHANNEL 252 - 98.3 MHz -----

	CALL	CH#	CITY	STATE	BEAR'	D-KM	R-KM	MARGIN	
	KOLZ	252A	Bentonville	AR	326.1	27.15	166.0	-138.85	*
	DE252	252A	Bentonville	AR	326.1	27.15	166.0	-138.85	*
	AD252	252C3	Bentonville	AR	336.9	40.49	177.0	-136.51	*
**	KOCD	252A	Columbus	KS	330.5	135.57	166.0	-30.43	*
***	KTLOFM	252A	Mountain Home	AR	82.7	144.97	166.0	-21.03	*
	KVOOFM	253C	Tulsa	OK	270.2	188.65	188.0	0.65	<
	KURBFM	253C	Little Rock	AR	138.4	205.50	188.0	17.50	
	ALOPEN	249C2	Yellville	AR	86.5	90.10	58.0	32.10	
	KZBB	250C	Poteau	OK	206.5	137.82	105.0	32.82	
	KKHT	254C1	Springfield	MO	32.2	116.06	79.0	37.06	
	KKLLFM	250A	Webb City	MO	340.5	108.24	55.0	53.24	
	KCTTFM	249A	Yellville	AR	85.8	117.67	55.0	62.67	
	KCTTFM	249A	Yellville	AR	85.8	117.67	55.0	62.67	

\*\* KOCD AT COLUMBUS, KANSAS WAS ORDERED TO CHANNEL 287C3 IN MM Docket No. 90-453.  
 KOCD HAS AN OUTSTANDING CONSTRUCTION PERMIT OUTLINING OPERATION ON CHANNEL 287C3.  
 THE CONSTRUCTION PERMIT FILE NUMBER IS BPH- 9110325ID).

\*\*\* AS PART OF THIS RULE MAKING PETITION IT IS PROPOSED TO MOVE KTLO-FM AT MOUNTAIN  
 HOME, ARKANSAS TO CHANNEL 232A AT ITS PRESENT LICENSED ANTENNA SITE.

MOUNTAIN HOME, ARKANSAS

## REFERENCE

36 20 55 N  
92 23 59 W

CLASS A

DISPLAY  
SEARCH DATE  
05-08-92

----- CHANNEL 232 - 94.3 MHz -----

CALL	CH#	CITY	STATE	BEAR'	D-KM	R-KM	MARGIN
*** KAMOFM	232C3	Rogers	AR	274.2	141.60	142.0	-0.40 *
KHLT.C	231C	Little Rock	AR	182.9	172.16	165.0	7.16
KSPQ	230C1	West Plains	MO	31.2	84.98	75.0	9.98
KTTSFM	234C	Springfield	MO	327.9	108.21	95.0	13.21
KHLT	231C1	Little Rock	AR	182.9	172.15	133.0	39.15
KAMOFM	232A	Rogers	AR	269.4	159.66	115.0	44.66
KCLR	233C1	Poplar Bluff	MO	75.4	181.88	133.0	48.88
AD232	232C2	California	MO	355.6	232.05	166.0	66.05
DE232	232A	Rolla	MO	17.5	187.92	115.0	72.92
KQMX	232A	Rolla	MO	17.5	187.92	115.0	72.92

\*\*\* THERE IS NO SHORTSPACING TO KAMO-FM AT ROGERS, ARKANSAS AS COMMISSION POLICY  
ALLOWS THE PETITIONER TO ROUND OFF TO THE NEAREST KILOMETER.

**CERTIFICATE OF SERVICE**

I, L. Patrick Demaree, do hereby certify that on this 9th day of June, 1992, I have caused to be mailed copies of the foregoing "**PETITION FOR RULE MAKING**", postage prepaid, to the following:

Mountain Home Broadcasting Corp.  
Radio Station KTLO-FM  
Post Office Box C  
Mountain Home, AR 72653

  
\_\_\_\_\_  
L. Patrick Demaree